

1 Bryan Schwartz (SBN 209903)  
 2 Hillary Jo Baker (SBN 265019)  
 3 BRYAN SCHWARTZ LAW  
 4 180 Grand Avenue, Suite 1550  
 5 Oakland, CA 94612  
 6 Tel.: 510-444-9300  
 7 FAX: 510-444-9301  
 8 Email: Bryan@BryanSchwartzLaw.com  
 9 Hillary@BryanSchwartzLaw.com

6 DAVID BORGEN (SBN 099354)  
 7 ROBERTO CONCEPCION (SBN 271517)  
 8 GOLDSTEIN, DEMCHAK, BALLER, BORGEN & DARDARIAN  
 9 300 Lakeside Drive, Suite 1000  
 10 Oakland, CA 94612  
 11 Tel.: (510) 763-9800  
 12 FAX: (510) 835-1417  
 13 Email: Borgen@gdblegal.com  
 14 Rconcepcion@gdblegal.com

12 Attorneys for Individual and Representative Plaintiffs

13 **IN THE UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 MARY ANN ADLAO, and MARIAN  
 16 WILLIAMS, individually, on behalf of  
 17 others similarly situated, and on behalf of  
 18 the general public,

18 Plaintiffs,

19 vs.

20 JPMORGAN CHASE & CO.,  
 21 JPMORGAN CHASE BANK, N.A., and  
 22 EMC MORTGAGE CORP., as successors  
 23 in interest to BEAR STEARNS, INC. and  
 24 ENCORE CREDIT CORP., and Does 1-  
 25 50, inclusive

23 Defendants.

Case No.: cv-10-04508-SBA

Assigned For All Purposes To:  
 Hon. Sandra Brown Armstrong

**STIPULATION AND ~~PROPOSED~~**  
**ORDER FOR LEAVE TO FILE FIRST**  
**AMENDED COMPLAINT**

Complaint Served: Oct. 7, 2010

Trial Date: Not Yet Set

26 **STIPULATION AND [PROPOSED]**  
 27 **ORDER RE FILING OF FIRST**  
 28 **AMENDED COMPLAINT**

Case No. CV 10-04508 (SBA)

Pursuant to Civil Local Rule 7-12 and Federal Rule of Civil Procedure 15(a)(2), Plaintiffs Mary Ann Adlao, Marian Williams, *et al.* ("Plaintiffs") and Defendants JPMorgan Chase & Co., *et al.* ("Defendants") (Plaintiffs and Defendants are referred to as the "Parties"), by and through their respective attorneys of record, submit the following stipulation for leave for Plaintiffs to file a First Amended Complaint ("FAC") in the above-captioned matter as follows:

WHEREAS, the Parties have reached a settlement wherein they have agreed to resolve all claims;

WHEREAS, in connection with that settlement, the Parties have agreed to settle claims under the Private Attorney General Act of 2004 ("PAGA"), California Labor Code section 2699, *et seq.*;

WHEREAS, Plaintiffs have exhausted their PAGA claims with the California Labor and Workforce Development Agency ("LWDA");

WHEREAS, the LWDA did not respond within 33 days whether it would investigate Plaintiffs' PAGA allegations;

WHEREAS, without waiving any defenses to the FAC, Defendants have agreed to stipulate to the filing of the FAC to effectuate the terms of the Parties' settlement and allow Plaintiffs to amend their existing complaint to allege claims under PAGA as authorized by California Labor Code section 2699.3(a)(2)(C);

THEREFORE IT IS HEREBY STIPULATED AND REQUESTED by and between Plaintiffs and Defendants, through their respective counsel, that the Court grant Plaintiffs leave to file the FAC in the form attached hereto as Exhibit 1.

It is further STIPULATED AND REQUESTED by and between the Parties that the Court order, in accordance with Rule 15(a)(3), that Defendants do not have to respond to the FAC unless the Parties' settlement is not approved by the Court and/or the Parties' settlement otherwise does not become final pursuant to its terms. In the event either of those contingencies occurs, Defendants' response to the Third Amended Complaint shall be due within twenty-one (21) days of the date on which the Parties' settlement is not approved by the Court and/or the Parties' settlement otherwise does not become final pursuant to its terms. This provision serves the interests of judicial

**STIPULATION AND [PROPOSED]  
ORDER RE FILING OF FIRST  
AMENDED COMPLAINT**

1.

Case No. CV 11-01392 (SI)

1 economy and preserves the Parties' and the Court's resources, given the fact that Defendants'  
2 Motion to Compel Arbitration and Stay Proceedings (which constituted Defendants' response to  
3 Plaintiffs' original Complaint) is currently pending and has been stayed by the Court pending the  
4 resolution of the Parties' settlement (*see* Court Docket No. 73).

5  
6 Dated: September 2, 2011

BRYAN SCHWARTZ LAW

7  
8 /s/ Hillary Benham-Baker

Bryan Schwartz, Bar No. 209903

Hillary Benham-Baker, Bar No. 265019

Attorney for Plaintiff

9  
10  
11 Dated: September 2, 2011

MORGAN, LEWIS & BOCKIUS

12  
13 /s/ Eric Meckley

Eric Meckley, Bar No. 168181

Morgan Lewis & Bockius

**ORDER**

PURSUANT TO STIPULATION AND FOR GOOD CAUSE, IT IS ORDERED as follows:

The Court grants leave for Plaintiffs to file the First Amended Complaint ("FAC") in the form attached to the Parties' Stipulation. The FAC must be filed within four (4) days of entry of this Order by the Court.

Defendants do not have to respond to the FAC unless the Parties' settlement is not approved by the Court and/or the Parties' settlement otherwise does not become final pursuant to its terms. In that event, Defendants' response to the Third Amended Complaint shall be due within twenty-one (21) days of the date on which the Parties' settlement is not approved by the Court and/or the Parties' settlement otherwise does not become final pursuant to its terms.

**IT IS SO ORDERED.**

Dated: 9/23, 2011

  
\_\_\_\_\_  
Honorable Saundra Brown Armstrong  
UNITED STATES DISTRICT COURT JUDGE